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Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI

Reg. No. KL/TV(N)/634/2012-14

tl cf Kk ddv KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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PART IV

Private Advertisements and Miscellaneous Notifications

KERALA STATE LEGAL SERVICES AUTHORITY

NOTIFICATION

No. 300/D/14/KELSA. 25th March 2014.

In exercise of powers conferred by Section 29 A of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987) the Kerala State Legal Services Authority hereby makes the following Regulations to amend the schedule with reference to Regulation 41 (3), Regulation 41 (8) and Regulation 42, of the Kerala State Legal Services Authorities Regulations, 1998 issued as per Notification No. D-435/98/KELSA dated 7-9-1998 published in Kerala

Gazette Extraordinary No. 1832 dated 7-11-1998 and as per Kerala State Legal Services Authority (Amendment) Regulations 2006 and 2011.

REGULATIONS

1. *Short title and commencement.*—(i) These Regulations may be called Kerala State Legal Services Authority (Amendment) Regulations 2014.

(ii) They shall come into force w.e.f. 7-5-2014, the date on which the State Authority resolved to make the amendment.

2. Amendment of schedule as per Regulation 41 (3).— The existing schedule of fees payable to the legal practitioners on the panel as shown in the amended Regulations 2011 shall be deleted and in its place the following schedule shall be inserted.

SCHEDULE

FEES PAYABLE TO THE LEGAL PRACTITIONERS ON THE PANEL

[See Regulation 41 (3)]

SUBORDINATE COURTS

A. CIVIL

1. Original Suits

In original suits advocates fees shall be calculated on the value of the Subject matter of the suit for determining the jurisdiction of the court according to the following scales.

- (a) on the first sum of ` 5,000 at 10%
- (b) on the next sum of ` 5,000 at 8%
- (c) on the next sum of ` 40,000 at 5%
- (d) on the sum above ` 50,000 upto 1,00,000/ at 3%
Above ` 1,00,000-2%, Above ` 5,00,000-1%
subject to a minimum of ` 1,500 subject to a maximum of ` 10,000

2. Execution Cases

In execution cases, the advocate's fee shall be calculated at the rate of 50% of the fee calculated, at the rates specified in Original Suits as above, subject to a minimum of ` 750.

3. Regular Appeals

In a regular appeal, the advocate's fee shall be calculated at the rate specified in Original Suits as above on the value of the amount of the subject matter in dispute in the appeal, subject to a minimum of ` 2,000 and maximum of ` 10,000.

4. Execution Appeals

In execution appeals, the advocate's fee payable shall be 50% of the fee which would have been payable if the appeals were regular appeals, subject to a minimum of ` 1000

Other Proceedings

In other proceedings the advocate's fees shall be as fixed by the Court having regard to the time occupied in the hearing of the case and nature of the questions raised with the minimum and maximum, specified here under:—

	Minimum `	Maximum `
1. Land Acquisition cases	1,000	5,000
2. Matrimonial cases	1,000	3,500
3. Guardian & Wards cases	1,000	3,000
4. Contentious Probate & Letters of Administration cases	1,000	3,500
5. Succession Certificate and Probate Petitions	1,500	2,000
6. Insolvency cases	1,000	3,000
7. Arbitration cases	1,500	5,000
8. Hindu Religious and C.I.cases	1,500	3,500
9. Copy Right cases	2,000	5,000
10. Trade marks & Passing off	2,000	5,000
11. Any other original proceedings	1,500	3,500
12. Any proceedings not falling under other items a fixed fee of ` 1,500 per case.		
13. Other petitions	1,000	1,000
14. Miscellaneous Appeal	1,500	3,000
15. Building (Lease and Rent Control Petitions and Appeal)	1,500	3,000

- Note:*—(1) If the court fails to fix the advocate's fee the court shall be deemed to have awarded the minimum specified above.
- (2) Only half. of the fee prescribed shall be payable in uncontested cases and cases settled out of court.
- (3) The fee for drafting complaints, appeals, written statements, Original applications or petitions under different enactments, objections to petitions stated above shall be ` 500 per case. It shall be in addition to the fee for conducting such cases. No fee shall be paid for drafting interlocutory applications/objections thereof.

B. CRIMINAL

The following fee shall be payable to the advocates in each of the cases:—

1. Sessions Cases— ` 1,000 per day for effective appearance subject to a minimum of ` 3,000 and to a maximum of ` 10,000 per case.
2. Other Criminal— ` 300 per day for effective appearance subject to a minimum of ` 1,500 and maximum of ` 3,000
Cases ,Criminal Miscellaneous
(Cases where matrimonial matter is involved and Criminal appeals)
3. Bail application— ` 750 per application
4. In Revision Petitions— ` 1,500 per case
5. (a) In Private Complaints— ` 300 per day of effective appearance subject to a minimum of ` 1,500 per case and maximum of ` 3,000
(b) If it is not— ` 500 per case
registered as a case by the Court
(c) For drafting — ` 400 per case
Criminal Complaints, Appeals and Revisions

HIGH COURT

Category	Filing expenses	Legal Fee	Total
(1)	(2)	(3)	(4)
Writ Petitions/ W A	750	2000	2750
MFA	750	2000	2750
CMA/FAO	500	1750	2250
Cr1. RP/Cr1. Appeal	500	2000-10,000 (as fixed by the high Court taking into account the volume of work done)	
RFAs/AS (Regular First Appeals)	750	1500-10,000 (payable on the of the subject matter of the appeal)	

(1)	(2)	(3)	(4)
Appeals in other instances	750	1,750	2,500
Contempt of Court cases	500	1,750	2,250
Sales Tax Revision	500	1,750	2,250
Tax Revision cases	500	1,750	2,250
Cr1. Petitions (Including Cr1. MC, Bail Application)	250	1,250	1,500
Habeas Corpus WP (Cr1.)	500	2,000	2,500
Company Cases	500	1,750	2,250
Civil Revision (including RCR)	500	2,250	2,750
Review petitions	500	1,500	2,000
LAA cases	500	2,250	2,750

Note:— Transfer petitions are being treated on a par with writ petitions for sanctioning fee and expenses.

TRIBUNALS

1. Central Administrative Tribunals 750 1,750 2,500
2. Kerala Administrative Tribunals 750 1,750 2,500
3. Motor Vehicles Accident cases:

In Motor Vehicles Compensation cases the advocate's fee shall be payable as per the following rates namely:-

Advocate's Fee

- (1) If the principal amount of compensation Awarded is ` 15,000 or less. ` 1,500
- (2) If the principal amount of the Compensation awarded exceed ` 15,000 but does not exceed ` 50,000 ` 1,500 + 3 % on amount in excess of ` 15,000
- (3) If the principal amount of Compensation exceeds ` 50,000 ` 2,500 + 2 % of the amount in excess of ` 50,000 subject to a maximum ` 10,000

4. Labour Courts, Industrial Tribunals and W.C.
Commissioners Courts :

₹ 250 per day for effective appearance subject to a minimum of ₹ 2,000 and maximum of ₹ 5,000

5. Other Cases :

In cases before all other Tribunals and other Authorities, the advocate's fee payable shall be ₹ 250 per day for effective appearance subject to a minimum of ₹ 1,500 and maximum of ₹ 2,500 per case.

*Note:-*For drafting applications or counters in the matters arising out of items 1 to 5 above the fee shall be ₹ 300 per case.

6. General:

Appearance for seeking adjournments shall not be treated as "effective appearance" under these rules.

3. Amendment of Regulation 41 (8).— The existing "clerkage @ ₹ 50" shall be deleted and in its place the "clerkage @ ₹ 250" shall be inserted.

4. Amendment of Regulation 42.— After the existing sub clause (1) the following sub clause (2) shall be inserted and the existing sub clause (2) will be renumbered as sub clause (3).

Regulation 42 (2).— The Chairman of the High Court Legal Services Committee and the Taluk Legal Services Committee or Secretary of the District Legal Services Authority as the case may be, in his discretion, disburse part of fee payable to a legal practitioner, including the drafting fee and clerkage, if he is satisfied that the legal practitioner concerned has entered appearance in the case and has submitted the pleadings before the Court/Tribunal or other Authority concerned. However such payment shall not exceed fifty per cent of the minimum fee payable to the legal practitioner in respect of the particular case.

Explanatory Note

(This does not form part of the Notification and is intended to indicate its general purport.)

Regulation 41 (3) deals with the remuneration payable to the Legal Practitioners as per Schedule. Since the remuneration fixed by Legal Practitioners has become too inadequate in the present day money value, this amendment is effected. This notification is intended to amend the existing schedule of fees to make them suitable for their intended purpose in the present day context as decided in the 50th meeting of the Kerala State Legal Services Authority on 7-5-2014.

By order,

Niyama Sahaya Bhavan,

High Court Compound,

Kochi - 31.

P. MOHANADAS,

Member Secretary,

Kerala State Legal Services Authority,

Ernakulam.